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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/814,257 | 03/21/2001 | Nancy D. Hanson | 180.00030102 | 6204 |
| 26813 | 7590 | 03/30/2004 | EXAMINER | |
| MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581415 MINNEAPOLIS, MN 55458 | | | LU, FRANK WEI MIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1634 | |

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/814,257

Applicant(s)

HANSON ET AL.

Examiner

Frank W Lu

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached action.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 12-16 and 51.

Claim(s) objected to: _____.

Claim(s) rejected: 39-44, 47-49 and 52-54.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

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ADVISORY ACTION

I. The proposed amendments filed on March 11, 2004 have been fully considered but will not be entered because they raise new issues that would require further consideration and/or search.

Response to Arguments

I. In page 10, third paragraph bridging to page 11, first paragraph of applicant's remarks, applicant argues that the amendments on claim 17 and 52-54 have overcome the rejection under 35 USC 112, second paragraph.

This argument has been fully considered and is moot since claim 17 is amended by changing the phrase "each pair" to "the pair" and by changing the phrase "for the other primer of each pair" to "using a primer that is complementary to each extension product", and claims 52-54 are amended by changing the phrase "for the other primer of each pair" to "using a primer that is complementary to each extension product". These new amendments in claims 17 and 52-54 raise new issues that would require further consideration and/or search.

II. In page 11, second and third paragraphs of applicant's remarks, applicant argues that the amendments on claim 17, 39, 41, 43, 47, 49, and 54 have overcome the rejection under 35 USC 102 (a) and 35 USC 103 (a)

This argument has been fully considered and is moot since claims 17 and 54 are amended by changing the phrase "characteristic of the OXA family of beta-lactamase enzymes" to "encoding an OXA family beta-lactamase enzyme", claims 39, 41, 43, and 47 are amended by changing the word "characteristic" to "encoding", and claim 49 is amended by changing the phrase "of interest characteristic of an OXA family beta-lactamase" to "encoding an OXA family

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beta-lactamase enzyme". These new amendments in claims 17, 39, 41, 43, 47, 49, and 54 raise new issues that would require further consideration and/or search.

2. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is either (703) 308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746.

The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (571)272-0782.

Any inquiry of a general nature or relating to the status of this application should be directed to the Chemical Matrix receptionist whose telephone number is (703) 308-0196.



FRANK LU
PATENT EXAMINER

Frank Lu
PSA
March 26 2004